

## REMARKS

Applicants appreciate the reopening of prosecution and the detailed examination evidenced by the Office Action mailed October 17, 2007 ("Office Action"). Applicants submit an appropriate Terminal Disclaimer herewith to overcome the double patenting rejections based on U.S. Patent No. 7,158,533. Applicants have amended Claims 8 and 10 to overcome the §112 rejections thereof. Applicants have amended independent Claims 18 and 25 to further clarify the nature of the claimed subject matter, and have canceled Claims 13, 15-17, 20 and 22-24. Applicants respectfully request reconsideration and withdrawal of the §103 rejections of Claims 1, 3-8, 10, 11, 18, 25 and 26 for at least the reasons presented below.

### **The double patenting rejections are overcome**

The Office Action rejects Claims 1, 3-8, 10-13, 15-20 and 22-26 on the ground of nonstatutory obviousness-type double patenting with regard to claims of U.S. Patent No. 7,158,533. Office Action, p. 3. Applicants submit that these rejections have been overcome by concurrent submission of an appropriate Terminal Disclaimer.

### **The §112 rejections are overcome**

The Office Action rejects Claims 8 and 10 under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. Applicants note that, although lack of written description appears to be an inappropriate basis for rejecting these claims, there were typographical errors in Claims 8 and 10, which may have rendered these claims indefinite. Applicants have amended Claims 8 and 10 to correct these typographical errors. Applicants submit that Claims 8 and 10, as amended, meet the requirements of §112.

### **Independent Claims 1, 8, 18 and 25 are patentable**

Independent Claim 1 recites:

A method of configuring a wireless base station of a wireless mobile data communications system, the method comprising:

determining a port number and/or an internet address to be assigned to the wireless base station;

communicating a datagram including the assigned port number and/or internet address in a destination field of a header of the datagram from a controller of the

wireless mobile data communications system to the wireless base station via a backbone network of the wireless mobile data communications system; and  
*responsive to receipt of the datagram at the wireless base station,*  
*configuring the wireless base station to accept datagrams addressed to the assigned port number and/or internet address.*

Independent Claims 8, 18 and 25 include corresponding recitations for wireless base stations and computer program products.

In rejecting these claims as being allegedly unpatentable over U.S. Patent No. 5,983,090 to Aoki ("Aoki") in view of alleged admitted prior art ("APA") and in further view of U.S. Patent No. 5,940,768 to Thro et al. ("Thro"), the Office Action states:

. . . Aoki discloses a wireless base station and method of configuring a wireless base station . . . the method comprising:

determining a port number and/or an internet address to be assigned to the base station ("the service provider in accordance with a protocol, such as TCP/IP (Transmission Control Protocol/Internet Protocol), and then obtains an IP address "IP1" for the base station from the service provider SP." (see Col. 5, lines 23-26);

communicating a datagram including the assigned port number and/or internet address in a destination field of a header of the datagram from a controller of the wireless mobile data communication system to the wireless base station via a network of the wireless mobile data communications system ("the service provider SP sends the base station BS1 data in which IPx is set as the source address and IP1 is set as the destination address (see Figure 5) . . .

Office Action, pp. 8 and 9. As Applicants have repeatedly noted, Aoki does not disclose that "the assigned port number and/or internet address" to be assigned to a base station is "in a destination field of a header of the datagram" and that a base station is configured to assign itself this port number and/or network address in response to receiving this datagram. In fact, Aoki is silent as to the specific manner in which the assigned IP address IP1 for a base station is communicated to the base station other than to state "[u]pon receipt of an acknowledge from the service provider SP for that request, the base station BS2 recognizes the IP address "IP1" sent together with the acknowledge as its own address." Aoki, column 8, lines 2-4. This provides no specific indication as to where in a datagram sent to a base station, e.g., in a header, message body, etc., the address IP1 is provided. Aoki merely indicates that it is "sent together with the acknowledge." Therefore, Applicants respectfully submit that Aoki does not provide the teachings alleged, i.e., Aoki does not disclose or suggest "communicating a datagram including the assigned port number and/or internet address in a destination field of

a header of the datagram from a controller of the wireless mobile data communications system to the wireless base station via a backbone network of the wireless mobile data communications system" and "responsive to receipt of the datagram at the wireless base station, configuring the wireless base station to accept datagrams addressed to the assigned port number and/or internet address," as recited in independent Claim 1.

The Office Action does not allege that APA provides such teachings, and Applicants submit that Thro also fails to provide such teachings. Regarding Thro, the Office Action alleges that this reference "teaches an infrastructure transceiver (base station) receives some information regarding operation of the infrastructure transceiver." Office Action, p. 9. The Office Action indicates that this "information" is described at column 5, lines 31-67. Office Action, p. 10. Respectfully, this information appears to be radio system information, i.e., this information is not "an assigned port number and/or internet address." In addition, there is nothing in the cited material from Thro that teaches or suggests "*communicating a datagram including the assigned port number and/or internet address in a destination field of a header of the datagram* from a controller of the wireless mobile data communications system to the wireless base station via a backbone network of the wireless mobile data communications system" as recited in independent Claim 1.

In light of the foregoing, Applicants submit that the cited combination of references does not disclose or suggest all of the recitations of Claim 1. For at least these reasons, Applicants submit that independent Claim 1 is patentable. At least similar reasons support that patentability of independent Claims 8, 18 and 25.

### **The dependent claims are patentable**

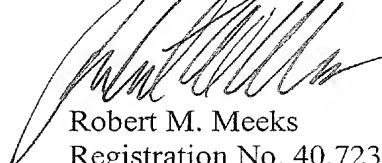
Applicants further submit that dependent Claims 3-7, 10-12, 19 and 26 are patentable at least by virtue of the patentability of the respective ones of independent Claims 1, 8, 18 and 25 from which they depend.

### **Conclusion**

As all of the claims are now in condition for allowance for at least the reasons discussed above, Applicants respectfully request allowance of the claims and passing of the

application to issue in due course. Applicants urge the Examiner to contact Applicants' undersigned representative at (919) 854-1400 to resolve any remaining formal issues.

Respectfully submitted,

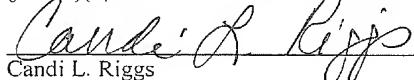


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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on January 15, 2008.



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